

## **REMARKS**

This application has been reviewed in light of the Final Office Action mailed October 18, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 2-7, 9-14 and 16-22 are pending in the application with Claims 2, 9 and 16 being in independent form.

### **I. Rejection of Claims 2-7, 9-14, and 16-22 under 35 U.S.C. § 103(a)**

Claims 2-7, 9-14, and 16-22 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,285,990 issued to Lee et al. in view of U.S. Patent No. 6,058,384 issued to Pierce et al. and U.S. Patent No. 6,427,139 issued to Perry A. Pierce.

The cited references teach electronic postage stamp systems, however, these systems require communication with the data center, e.g., postal office, before crediting the cost of an invalid stamp back to the user's account.

The Examiner's contention that Pierce '384 does not teach a communication with a data center to accomplish a verification of the refund stamp is wholly in error. Pierce '384 clearly shows in FIG. 2 several steps at which a communication occurs between the meter and the data center, including a step of verifying indicium created at the meter and sent to the data center. (See: FIG. 2, steps 125, 130 and 135). Therefore, Pierce '384 explicitly teaches communication with a data center for verifying a refund stamp (or indicium), and thus Pierce '384 in combination with Lee et al. teaches requiring communication with a data center, contrary to the Examiner's assertion and Applicant's claims.

Additionally, the Examiner's contention that Pierce '139 discloses no need to communicate with a data center or third party to verify the refund stamp is incorrect as well. Pierce '139 clearly requires that the refund stamp be received at a postal facility and scanned

(i.e., verified) before a refund is issued to the sender. (See: FIG. 3, steps 218-330; Spec. col. 3, lines 15-21). Sending a refund stamp through the mail delivery system for the purpose of having the postal facility verify the authenticity of the refund stamp before approving the refund to the sender's account clearly lies within the broadest reasonable definition of communication. Therefore, Pierce '139 fails to disclose or suggest not requiring communication with a data center (postal facility) in order to verify the refund stamp prior to issuing a refund.

Consequently, Lee et al., Pierce '384 and Pierce '139, taken alone or in any proper combination, fail to disclose or suggest the above-identified distinguishing feature as recited in Applicant's Claims 2, 9 and 16. In addition, Claims 3-7, 10-14 and 17-22 depend from Independent Claims 2, 9 and 16 and thus include the limitations recited by these independent claims.


Therefore, for at least the reasons given above, Claims 2-7, 9-14 and 16-22 are believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 2-7, 9-14 and 16-22 under 35 U.S.C. § 103(a) over Lee et al., Pierce '384 and Pierce '139.

## **CONCLUSIONS**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 2-7, 9-14 and 16-22 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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